

REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated April 18, 2008. Claims 13 and 14 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-4, 7-10, and 13-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sassin et al., U.S. Patent No. 6,058,435 (Sassin) in view of Crowther et al, U.S. Patent No. 6,771,765 (Crowther). Claims 5-6, 11-12, and 19-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin et al., U.S. Patent No. 6,058,435 (Sassin) in view of Crowther et al, U.S. Patent No. 6,771,765 (Crowther) and further in view of Miloslavsky, U.S. Patent No. 5,915,011 (Miloslavsky). In light of the foregoing amendments and following remarks, Applicants respectfully request the Examiner's reconsideration and reexamination of all pending claims.

Claims 13 and 14 were rejected under 35 U.S.C. 101. Applicants have cancelled claim 14. Claim 13 recites a computer readable storage media. In rejecting Claim 13 as being directed to non-statutory subject matter, the Office Action asserts that "Applicants specification does not positively disclose/support what type of media it is." In response, Applicants assert 35 U.S.C. 101 is not concerned with the type of computer readable storage media is being claimed. It appears the Examiner is concerned with compliance with the written description requirement of 35 U.S.C. 112. However, Applicants note that Claim 13 is in its original form, and original claims are self supporting.

The Office Action also asserts that since claimed programs are not tangibly embodied in a physical medium and are encoded on a computer readable medium then Applicants have not complied with 35 U.S.C. §101.

In response, Applicants note that under MPEP 2106.01, descriptive material can be characterized as either functional descriptive material or non-functional descriptive material. Functional descriptive material consists of data structures and computer programs which impart functionality when employed as a computer component. Both types of descriptive material are non-statutory when claimed as descriptive material. When functional descriptive material is recorded on some computer readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Claim 13 recites a computer readable storage media comprising computer instructions to implement the method of Claim 7. Unless the method of Claim 7 is non-functional descriptive material, it follows that Claim 13 is statutory. It is noted that the Office Action did not reject independent Claim 7 under 35 U.S.C. §101.

Each of the independent Claims 1, 7, and 15 stands rejected under 35 U.S.C. §103 as being unpatentable over Sassin in view of Crowther. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations.

Each of the independent claims recite a table stored in memory, wherein the table comprises an entry that identifies at least one communication channel that one of the one or more agents is not authorized to access. This limitation was previously contained in cancelled claim 21, which the Examiner previously indicated as allowable (See, Office Action dated October 30, 2007).

In rejecting the independent claims, the Office Action admits that Sassin does not teach a table that comprises an entry that identifies at least one communication channel that one of the one or more agents is not authorized to access. See Office Action, page 4. Thereafter, the Office Action asserts:

Crowther et al. teach determining the media formats associated with the communication channels that the agent is authorized to access (col. 5, lines 50-65 – where Crowther discussed the agent is authorized to login a computer or a telephone; col. 3, line 55 through col. 4, line 2 – where Crowther discussed determining the type of media the agent login to assign the task). Crowther further teaches if an agent is authorized to access from a telephone and a computer or a computer having telephonic capabilities by having a login ID and a password, and when the agent logs in, the agent manager performs a look up in a database to obtain information about the agent (col. 3, line 55 through col. 4, line 33). Hence, it would have been obvious that if an agent is not authorized to access, then the agent would not have or provided login ID and password to login or their names and/or their names are not in the database.

The Office Action equates Crowther's database in column 3, line 55 through column 4, line 33 with the claimed "table." The Office Action admits Crowther's database does not contain an entry that identifies at least one communication channel that one of the one or more agents is not authorized to access. However, the Office Action argues it would have been obvious that if an agent is not authorized to access, his name is not in the database. However, the independent claims recite more than a lack of name in the table. More particularly, the independent claims *positively* recite that the table comprises an entry that identifies at least one communication channel that one or the one or more agents is not authorized to access. As such, Applicants assert that the Office Action has failed to establish a *prima facie* case of obviousness for each of the independent claims. The remaining claims depend directly or indirectly from the independent Claims 1, 7, or 15, and are patentably distinguishable for this reason.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eric A. Stephenson', with a large, sweeping flourish at the end.

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